

# CHANGE REQUEST COVER SHEET

**Change Request Number:** 10-59

**Date Received:** 5/21/2010

**Title:** Environmental Considerations

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**Name:** Susan Freericks

**Phone:** 202-267-8374

**Policy OR Guidance:** Policy

**Section/Text Location Affected:** 4.2.3.3.2.8

**Summary of Change:** Updated information on National Environmental Protection Act (NEPA) regulations

**Reason for Change:** To clarify the role of the Real Estate Contracting Officer in the NEPA process.

**Development, Review, and/or Concurrence:** AEE, AGC-500, Logistics Service Area, ALO-200

**Target Audience:** Real Estate Contracting Officers

**Potential Links within FAST for the Change:** N/A

**Briefing Planned:** No

**ASAG Responsibilities:** None

**Potential Links within FAST for the Change:** N/A

**Links for New/Modified Forms (or) Documents (LINK 1)** [null](#)

**Links for New/Modified Forms (or) Documents (LINK 2)** [null](#)

**Links for New/Modified Forms (or) Documents (LINK 3)** [null](#)

## SECTIONS EDITED:

Acquisition Management Policy:

**Section 4.2.3.3.2.8 : Environmental Considerations** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

## SECTIONS EDITED:

### **Section 4.2.3.3.2.8 : Environmental Considerations**

**Old Content:** Acquisition Management Policy:

#### **Section 4.2.3.3.2.8 : Environmental Considerations**

FAA real property transactions are subject to the requirements of FAA Order 1050.19B, Environmental Due Diligence Audits in the Conduct of FAA Real Property Transactions, in order to identify and minimize potential environmental liabilities associated with the condition of the property and past activities at the site. The Environmental Due Diligence Audit (EDDA) process shall be completed prior to executing contracts for the acquisition or disposal of real property.

The FAA will also comply with the requirements of the National Environmental Policy Act (NEPA) in accordance with FAA Order 1050.1E for property acquisitions, as applicable. Chapter 3 of FAA Order 1050.1E provides information on categorical exclusions. Specifically, paragraph 310 provides the list of categorical exclusions for FAA actions involving facility siting, construction and maintenance. Unless the action is categorically excluded from the NEPA review process, an Environmental Impact Statement (EIS) or Finding of No Significant Impact (FONSI) shall be approved before negotiating the acquisition of any new land interest.

**New Content:** Acquisition Management Policy:

#### **Section 4.2.3.3.2.8 : Environmental Considerations**

FAA real property transactions are subject to the requirements of FAA Order 1050.19B, Environmental Due Diligence Audits (EDDA) in the Conduct of FAA Real Property Transactions, in order to identify and minimize potential environmental liabilities associated with the condition of the property and past activities at the site. The EDDA process must be completed prior to executing contracts for the acquisition or disposal of real property.

Before acquiring (by lease, purchase, or otherwise) any additional land (new sites or expanding existing sites), the FAA must comply with the requirements of the National Environmental Policy Act (NEPA) in accordance with FAA Order 1050.1E, Change 1 for property acquisitions, as applicable. The appropriate level of environmental review must be determined by the program office Environmental Specialist or the project designated Environmental Specialist. The three levels of environmental review include a Categorical Exclusion (CATEX), Environmental Assessment (EA) or Environmental Impacts Statement (EIS). In the absence of Extraordinary Circumstances, most real property acquisition transactions can be categorically excluded by the program office from further environmental review. Chapter 3 of FAA Order 1050.1E, Change 1 provides information on CATEXs and the application of extraordinary circumstances. Specifically, paragraph 310 provides the list of categorical exclusions for FAA

actions involving facility siting, construction and maintenance. If there are extraordinary circumstances and the action cannot be categorically excluded from further environmental review and the EA must be initiated by the Environmental Specialist. If the impacts are not significant the environmental review will end with a Finding of No Significant Impact (FONSI). If impacts are found to be significant and cannot be mitigated to below significance then an EIS must be initiated. The EIS process ends in a Record of Decision. The environmental review process must be complete before negotiating the acquisition of any new and additional land interests. The RECO must obtain written notification from the program office that all applicable NEPA requirements have been met prior to proceeding with the land acquisition. The written notification must be placed in the real estate file. Once the RECO receives the written notification, the RECO can proceed with the real property transaction for any new or additional land acquisition. The office requesting the land acquisition is responsible for keeping the official documentation for the NEPA review. It is not necessary for the RECO to obtain copies of the actual CATEX, EA, FONSI, EIS or Record of Decision.

**Red Line Content: Acquisition Management Policy:  
Section 4.2.3.3.2.8 : Environmental Considerations**

FAA real property transactions are subject to the requirements of ~~FAA Order 1050.19B,~~ Environmental Due Diligence Audits (**EDDA**) in the Conduct of ~~FAA Real Property Transactions,~~ in order to identify and minimize potential environmental liabilities associated with the condition of the property and past activities at the site. The ~~Environmental Due Diligence Audit (EDDA)~~ process **shall must** be completed prior to executing contracts for the acquisition or disposal of real property. ~~The~~

**Before FAA acquiring ~~will (by lease, purchase, or otherwise) any additional land also (new sites or expanding existing sites), the FAA must~~ comply with the requirements of the National Environmental Policy Act (NEPA) in accordance with ~~FAA Order 1050.1E, Change 1~~ for property acquisitions, as applicable. ~~The appropriate level of environmental review must be determined by the program office Environmental Specialist or the project designated Environmental Specialist. The three levels of environmental review include a Categorical Exclusion (CATEX), Environmental Assessment (EA) or Environmental Impacts Statement (EIS). In the absence of Extraordinary Circumstances, most real property acquisition transactions can be categorically excluded by the program office from further environmental review.~~ Chapter 3 of ~~FAA Order 1050.1E, Change 1~~ provides information on ~~CATEXs~~ ~~and exclusions~~ **the application of extraordinary circumstances**. Specifically, paragraph 310 provides the list of categorical exclusions for FAA actions involving facility siting, construction and maintenance. ~~Unless~~ **If there are extraordinary circumstances and** the action ~~is cannot be~~ categorically excluded from ~~the NEPA~~ **further environmental** review ~~process, and an~~ **the EA must be initiated by the** Environmental ~~Impact~~ **Specialist. Statement** ~~If (EIS) the or~~ **impacts are not significant the environmental review will end with a** Finding of No Significant Impact (FONSI). **If impacts are found to be significant and cannot be mitigated to below significance then an EIS must be initiated. The EIS process ends in a Record of Decision. The environmental review process shall must** be ~~approved~~ **complete** before negotiating the acquisition of any new **and additional land interests. The RECO must obtain written notification from the program office that all applicable NEPA requirements have been met****

*prior to proceeding with the land acquisition. The written notification must be placed in the real estate file. Once the RECO receives the written notification, the RECO can proceed with the real property transaction for any new or additional land acquisition. The office requesting the land ~~interest~~ acquisition is responsible for keeping the official documentation for the NEPA review. It is not necessary for the RECO to obtain copies of the actual CATEX, EA, FONSI, EIS or Record of Decision.*

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